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# SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

**DATE: NOVEMBER 10, 2005**

**TO: PLANNING COMMISSIONERS**

**FROM: TERRY WAHLER, SENIOR PLANNER**

**SUBJECT: CORRECTION OF MINIMUM PARCEL SIZE PROVISION FOR  
MICHAEL GRISSOM PRESERVE AND CONTRACT AMENDMENT  
AGP2003-00004.**

In 2003, the owners of two adjoining parcels exchanged small land areas through lot line adjustment without benefit of applying concurrently for preserve and contract amendments. Subsequently, in 2004, they applied for preserve and contract amendments to correct the violation and properly assign property tax reduction to the agricultural parcel.

Due to some ambiguities in the historical contract and mapping records, the wrong minimum parcel size provision was approved for the new contract. The original contract had two minimum parcel size provisions (80 acres and 160) covering a larger land area. Inadvertently the 80 acre minimum parcel size was referenced in the staff reports and exhibits that were presented to decision makers instead of the correct 160 acre minimum parcel size.

In consultation with County Counsel, staff feels that the proper way to correct the discrepancy is to present the item to the Agricultural Preserve Review Committee for consideration and recommend correction of the minimum parcel size reference to the Board of Supervisors. The correction must follow the same path as the initial approval for the agricultural preserve boundary amendment. Please see the corrected exhibit and previous staff report.

## **Agricultural Preserve Review Committee**

The Review Committee meeting was held from 1:30 to 4:00 p.m. on September 19, 2005, at the U.C. Cooperative Extension auditorium in San Luis Obispo. The agenda included one request to expand an existing adjacent agricultural preserve to enable an applicant to enter into a land conservation contract; one request to establish a new agricultural preserve to enable an applicant to enter into a land conservation contract; two requests to expand an existing agricultural preserve to enable an applicant to rescind an existing contract and enter into new expanded land conservation contracts; two requests to rescind a single contract and simultaneously enter into new contracts; a correction of the minimum parcel size provision for a previously approved preserve and

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contract amendment; a partial notice of nonrenewal for Carl Linn; and a discussion of the Tompkins Property Notice of Proposed Public Acquisition of Land in Agricultural Preserve and Contract.

Voting members of the Review Committee present were Don Warden (Agricultural Liason Committee), Wayne Jensen (Farm Advisor), Hugh Pitts (Farm Bureau), Ed Carson (Land Conservancy of San Luis Obispo County), Robert M. Sparling (Public-at-Large Member, was absent for item 3, arriving for item 4), Lynda Auchinachie (County Agricultural Commissioner's Office), Sara Sylwester (County Assessor), and Warren Hoag (County Planning and Building Department).

Absent from the meeting were representatives of the Farm Service Agency, Cattlemen's Association, and Environmental Organization Member. The meeting was chaired by Warren Hoag. Staff reports were presented to the committee by Terry Wahler and Andrea Miller of the Planning and Building Department.

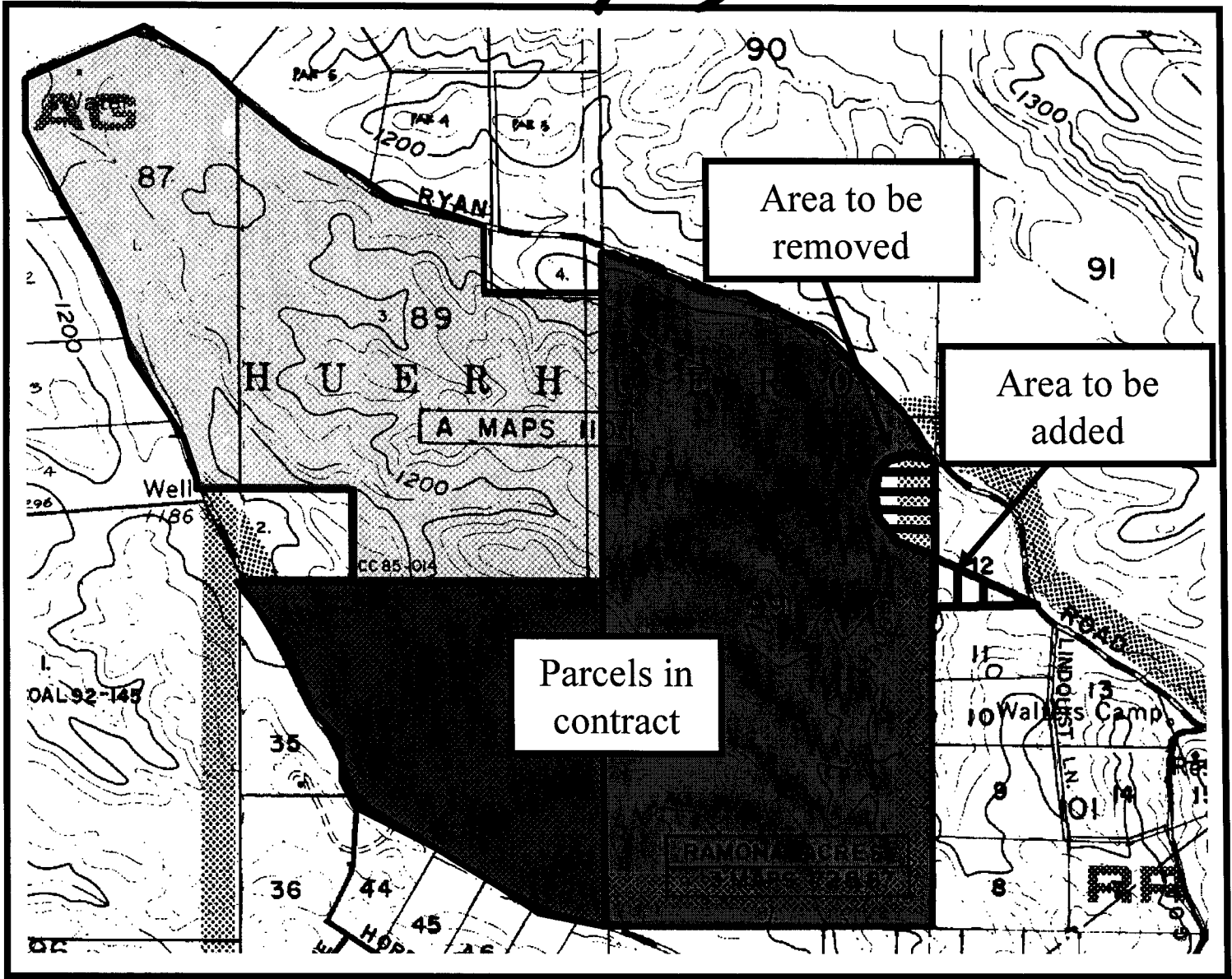
The landowners were not present for this item. Staff described the applicant's previous request. Staff also explained that the application to amend the agricultural preserve boundary was approved last year and the new contract was recorded. The application was filed to reflect a change from a minor lot line adjustment between two adjacent landowners, one with contracted land and one without contracted land. Staff explained that due to an error in interpreting the old historical El Pomar Agricultural Preserve map, the wrong minimum parcel size was inadvertently shown on the contract and exhibit A. Discussion of related issues ensued.

Following the discussion, Lynda Auchinachie moved that the committee recommend approval of the request. This motion was seconded by Ed Carson and approved by the Review Committee 9 to 0.

### **Recommendation**

Recommend approval of the correction to the minimum parcel size to the Board of Supervisors.

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# **EXHIBIT A El Pomar Ag. Preserve No. 1, Amendment No. 17**

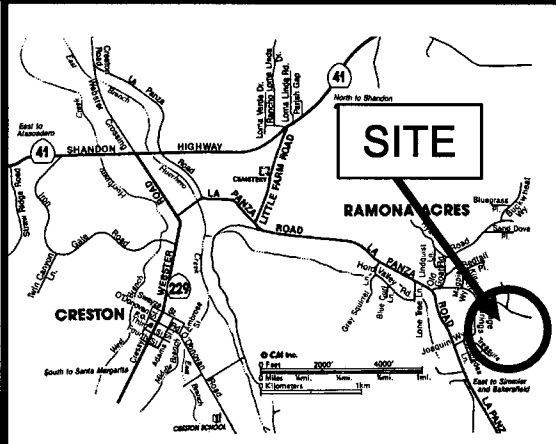


Area 1: 043-093-019 to be removed

Area 2: 043-093-022 to be added

Contracted Parcels: 043-093-018 & 020

Surrounding land in Preserve and Contract



## **EXHIBIT A**

**Amending an Agricultural Preserve; Rescinding a Contract and Simultaneously Entering into a New Contract**

**File No. AGP2003-00004 – Grissom**

**Minimum Parcel Size: 160 acres**

**Minimum Term of Each Contract: 20 Years**

**Resolution No.**

**Date:**

# Staff Report

San Luis Obispo County Department of Planning and Building

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## **I. PROJECT SUMMARY**

**FILE NO:** AGP2003-00004

**AGENDA DATE:** NOVEMBER 9, 2004

**APPLICANT/AGENT:** MICHAEL GRISSOM

**APPROVAL REQUESTED:** AMEND EXISTING AGRICULTURAL PRESERVE BOUNDARIES; RESCIND A PORTION OF AN EXISTING CONTRACT AND SIMULTANEOUSLY ENTER INTO A NEW LAND CONSERVATION CONTRACT

**ENVIRONMENTAL DETERMINATION:** CATEGORICAL EXEMPTION, CLASS 17, ED03-534, JUNE 1, 2004.

**STAFF RECOMMENDATION:** APPROVAL

**PROJECT DESCRIPTION:** Amend the boundaries of an existing agricultural preserve; rescind an existing land conservation contract and simultaneously enter into a new land conservation contract by adding three acres and removing two and a half acres to reflect lot line adjustment COAL 00-0269.

**PROJECT LOCATION:**

**Planning Area:** El Pomar/Estrella

**Community:** Rural

**Site:** About three miles east of the town of Creston along Ryan Road.

**Assessor Parcel Numbers:** 043-093-018, 019, 020 & 022

**Supervisory District:** 5

**SITE CHARACTERISTICS:**

**Area:** 3 acres to be added to and 2.5 acres to be removed from a 362.5 acre land conservation contract with net contracted acreage equaling 363 acres.

**Topography:** Gently sloping to level

**Vegetation:** Mostly grassland with a few oaks

**Existing Use and Improvements:** Rangeland to be added; developed area with driveway to be removed

**SURROUNDING LAND USE:** Vineyards, dry farming and grazing.

**GENERAL PLAN INFORMATION**

**Land Use Element Category:** Agriculture

**Combining Designations:** None

**Planning Area Standards:** None applicable

**Agriculture and Open Space Element Designation:** Agriculture

**LAND USE ORDINANCE STANDARDS:** Section 22.04.024c(1) - Minimum parcel sizes for existing agricultural preserves.

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## **II. PROJECT EVALUATION**

### **PROJECT REVIEW**

#### **Background**

APNs 043-093-018 (3 acres on the west) and 043-111-004 (2.5 acres on the east) are owned by Grissom, Donahue and Ragsdale. The parcel is located in El Pomar Agricultural Preserve No. 1 established in 1972 with a minimum parcel size of 80 acres. The contracted parcel was originally under a land conservation contract with Lindquist, but is now owned by Grissom, Ragsdale, Donahue and Lindquist. The request is to rescind the contract and simultaneously enter into a new contract to reflect lot line adjustment COAL 00-0269. The lot line adjustment was initially proposed to reflect a better building site for the property owner. The adjustment on the contracted parcel would result in adding 3 acres to the contract and removing 2.5 acres for a net increase of 0.5 acre.

#### **Site and Area Characteristics**

Exhibit A shows the location, topography and land use designations of the site and vicinity. Attachment A is a map of the existing lot line adjustment. The purpose of the lot line adjustment was to provide a better building site for the adjoining rural homesite that is not under contract and not engaged in agriculture.

The agricultural use of the contracted property is rangeland grazing, but was previously orchards and dry farm at the time the property qualified for a land conservation contract. The two areas of land being added to and removed from contract are equally suitable for rangeland or dry farm, but the land being removed is currently developed with a home site/accessory structure and a driveway.

Table 1 shows the Natural Resources Conservation Service land capability ratings of the land covered by the existing contract, the areas being added and removed, and the proposed contract area.

**Table 1: Land Capability:**

Land Capability Class				
Irrigated	Non-Irrigated	Existing Contract	Area Removed	Area Added
IV	IV	362.5		
IV	IV		2.5	
IV	IV			3.0
Total Resulting Contracted:		363		

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**Compliance with the Agricultural Preserve Rules of Procedure and Williamson Act**

The Rules of Procedure contains the following statement: *A property owner under contract who acquires adjacent parcels of any size may add this land by amendment of the existing agricultural preserve and contract; the contract amendment is to recognize the remaining term of the original contract but in no event less than 10 years.* The area being added is not in an agricultural preserve, so the agricultural preserve boundary must be expanded to include the 3 acres being added and should be disestablished to reflect the 2.5 acres being removed from the land conservation contract (and now used as a rural homesite).

The Natural Resources Conservation Service rates the site's class IV soils as good for rangeland suitability for both the land to be removed and land to be added to the contract and preserve.

The proposed amendment to land conservation contract complies with findings for lot line adjustments in Government Code Section 51257. The findings include the requirement that there shall be no net decrease in the amount of the acreage restricted. The amendment to contract would result in a net increase of one half an acre and, as shown in Table 1, the land being added is the same quality as the land being removed. The remaining term on the original contract is 10-years remaining on a 20-year contract.

**Agricultural Preserve Review Committee**

The Review Committee meeting was held from 1:30 to 5:00 p.m. on Monday, June 14, 2004, at the U.C. Cooperative Extension auditorium at 2156 Sierra Way in San Luis Obispo. The agenda included recommendations from staff on two requests to amend the boundaries of agricultural preserves and rescind contracts and simultaneously enter into new contracts; a request to establish a Farm Land Security Zone and enter into a Farm Land Security Zone Contract and a county initiated notice of non-renewal for the Duvenek property. In addition, staff reviewed the status and provided an update on the proposal for Board of Supervisors authorization of General Plan amendments in the community of Shandon (involving cancellations of land conservation contracts) as an informational item.

Voting members of the Review Committee present were Don Warden (Agricultural Liason Committee), Dick Nock (Cattlemen's Association), Wayne Jensen (Farm Advisor), Hugh Pitts (Farm Bureau), Ed Carson (Land Conservancy of San Luis Obispo County), Robert M. Sparling (Public-at-Large Member) Lynn E. Moody (Soil Science Member), Lynda Auchinachie (County Agricultural Commissioner's Office), Sara Sylwester (County Assessor) and Warren Hoag (County Planning and Building Department). Absent from the meeting were representatives of the Environmental Organization Member, Farm Service Agency, and Soil Science Member. The meeting was chaired by Warren Hoag. Staff reports were presented to the committee by Terry Wahler of the Planning and Building Department.

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One of the property owners, Jim Donahue, was present for this item. Staff described the applicants' request, the lot line adjustment and the need for an amendment to the preserve and a new contract. The original contract and preserve are discussed and it was noted that the land is not being used for grazing at this time. Jim Donahue responds to the question about the agricultural use of the Grissom parcel. Committee members raise the question if the land must be in an agricultural use at all times. Staff indicates that the Williamson Act does not require this since the agricultural capability of the land is still being maintained. Warren Hoag notes that the existing use would be important should the property owner apply to change the minimum parcel size for conveyance in conjunction with a subdivision request.

Following the discussion, Sara Sylwester moved that the committee recommend approval of the request. This motion was seconded by Ed Carson and approved by the Review Committee 9 to 0.

### **RECOMMENDATIONS**

Preserve Designation: Amend the boundaries of existing El Pomar Agricultural Preserve No. 1 (Amendment No. 17) to reflect COAL 00-0269

Rescind the existing contract and simultaneously enter into a new land conservation contract to reflect lot line adjustment COAL 00-0269

Minimum Parcel Size: 80 Acres

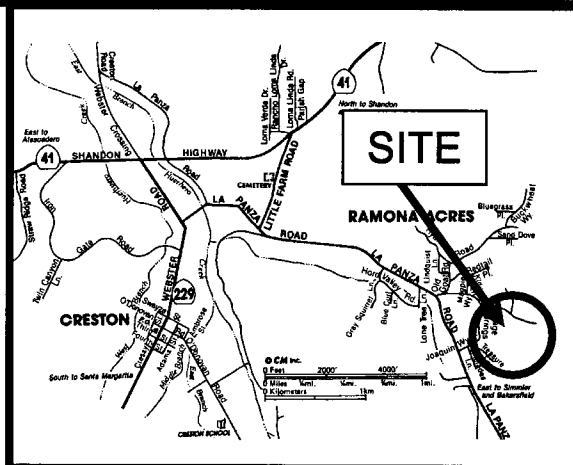
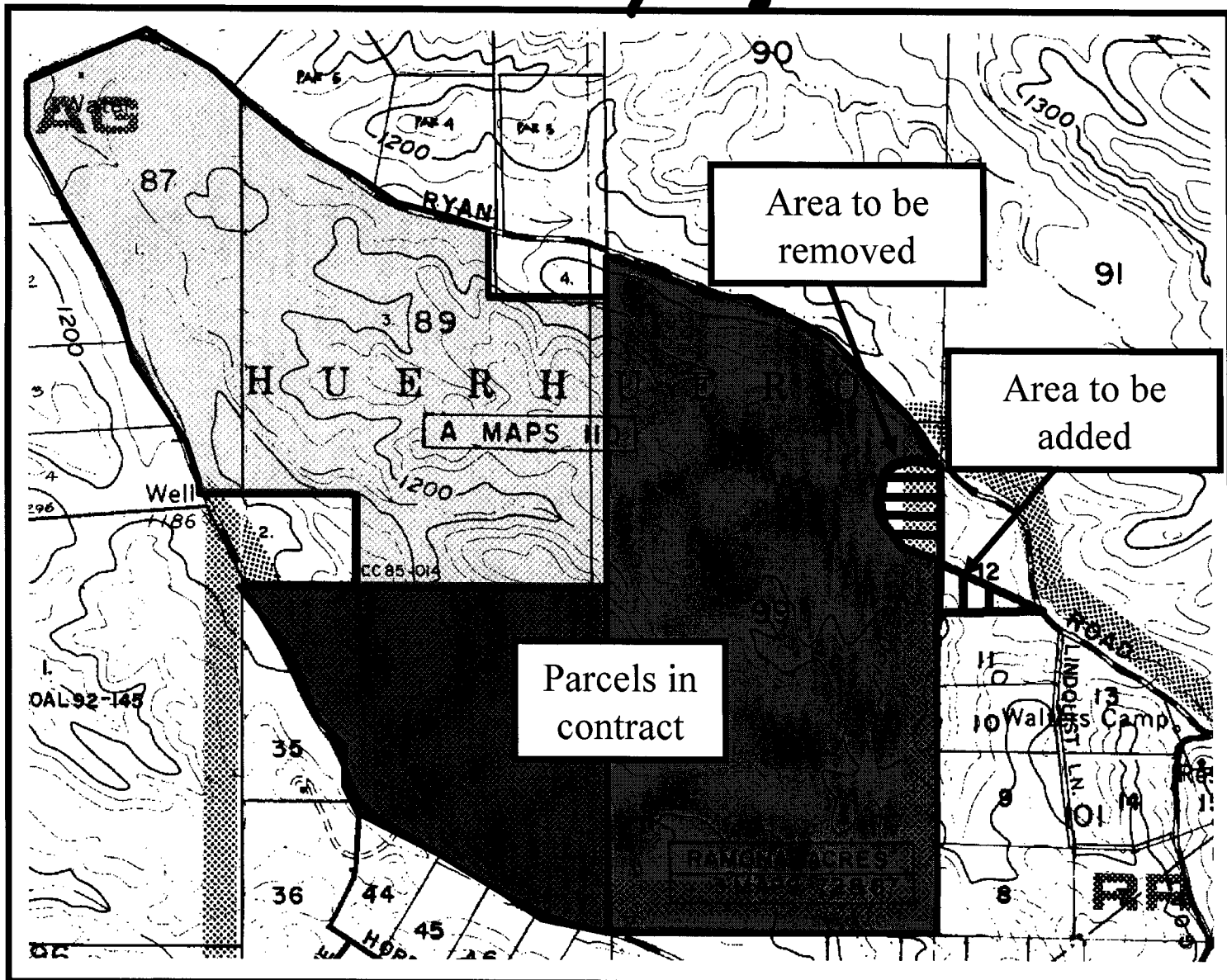
Minimum Term of New Contract: 20 years

### **FINDINGS**

- A. The proposed amendment of this agricultural preserve is consistent with the San Luis Obispo County General Plan, including the Land Use Element and the Agriculture and Open Space Element, and the county's Rules of Procedure to Implement the California Land Conservation Act of 1965 since the preserve is being enlarged and the soil is of equal quality.
- B. The proposed new contract within the amended agricultural preserve is appropriate and consistent with the rural character of the surrounding area.
- C. No increase in the number of parcels result from the request, just an exchange of land areas.
- D. The resulting parcel remains in conformance with the general plan because no significant change in parcel size has occurred.

Report prepared by Terry Wahler, Senior Planner  
and reviewed by Warren Hoag, Division Manager  
Agricultural Preserve Program

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Minimum Parcel Size: 80 acres

Minimum Term of Each Contract: 20 Years

Resolution No.

Date: